

Harry R. Blackburn
& Associates, P.C. Attorneys at Law

Harry R. Blackburn*+~

December 18, 2007

Of Counsel
Federico Calaf-LeGrand-

*Also Admitted in NJ

+Also Admitted in CT

~Admitted Only in PR

Direct Dial

Ext. 102

email: hblackburn@hrblackburn.com

The Honorable Joseph J. Farnan, Jr.
United States District Court for the District of Delaware
Lockbox 18
844 N. King Street
Wilmington, DE 19801

Re: RLI Insurance Company v. Indian River School District, et al.
United States District Court for the District of Delaware
Civil Action No. 1:05-cv-00858-JJF
Our File No. 729.004

Dear Judge Farnan:

As the Court's file will reflect, this office represents the plaintiff in the above-captioned matter.

On December 4, 2007, Your Honor issued a Memorandum Opinion and Order regarding the Indian River School District's Motion in *Limine* to Strike Plaintiff's Expert Report and Exclude Testimony of Damian Cassin of Progressive Construction Management. In the Order, Your Honor directed us to notify you and opposing counsel within fifteen (15) days whether RLI intended to remedy the deficiencies in Mr. Cassin's report as set forth in your Memorandum Opinion.

Having conferred with my client, I write to advise the Court that RLI does in fact intend to obtain an amended report from Mr. Cassin addressing those deficient areas.

In addition, I write to confirm the discussion on this issue at the Pretrial Conference with Your Honor on December 6, 2007. It is my understanding that Mr. Cassin's amended report must be served on opposing counsel not later than January 28, 2008. Opposing counsel will then have thirty (30) days from that date to serve rebuttal reports.

Q:\RLI Surety\729\McDaniel.004\Indian River\Ltr\Farnan, J 12-17-07.wpd

1528 Walnut Street, 4th Floor, Philadelphia, Pennsylvania 19102 (215) 985-0123 Fax: (215) 985-0124
74 South Main Street, Medford, New Jersey 08055 (856) 795-5758 Fax: (856) 428-1255
361 San Francisco Street, 4th Floor, San Juan, Puerto Rico 00901 (787) 725-1004
21 West Fee Avenue, Suite D, Melbourne, Florida 32901 (321) 722-0770 Fax: (321) 722-0830

Harry R. Blackburn
& Associates, P.C.

The Honorable Joseph J. Farnan, Jr.
December 18, 2007
Page 2


Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,


HARRY R. BLACKBURN

HRB/cmh

cc: Victoria K. Petrone, Esquire
James S. Green, Esquire
Kevin G. Amadio, Esquire
Paul Cottrell, Esquire


PERRY F. GOLDLUST (DSB #770)
GABER GOLDLUST BAKER & OVER
702 KING STREET, SUITE 600
P. O. BOX 1675
WILMINGTON, DE 19899-1675
(302) 472-4900; (302) 472-4920 FAX
pgoldlust@gablawde.com